

# **Meeting Minutes December 16, 2004**

## **Town of Los Altos Hills City Council Regular Meeting**

Thursday, December 16, 2004 6:00 P.M.  
Bullis School Multi-Purpose Room, 25890 Fremont Road

### **1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE**

Present: Mayor Mike O'Malley, Mayor Pro Tem Breene Kerr, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Acting City Engineer/Director of Public Works Dave Ross, Administrative Services Director Sarah Joiner and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to limit the length of time for public comments to three minutes.

### **2. APPOINTMENTS AND PRESENTATIONS**

#### **2.1 Appointment to the Planning Commission**

Council had before them for their consideration applications from four candidates: Bart Carey, Harry Emerzian, Fred Fallah and Steve Hubbel. Candidates introduced themselves and summarized why they were seeking appointment to the Planning Commission.

Following Council interviews and ballot voting, Bart Carey was appointed to the Planning Commission for a term of four years.

#### **2.2 Appointment to the Town's Standing Committees**

##### **2.2.a Parks and Recreation Committee (1 vacancy)**

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to appoint Steve Johnson to the Parks and Recreation Committee for a term of four years.

### 2.2.b Pathways Committee (1 vacancy)

Mayor O'Malley announced that due to the recent resignation of Committee Member Richard Cassam, there were two vacancies on the Pathways Committee.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to appoint Anna Brunzell and Ann Duwe to the Pathways Committee for terms of four years.

### 3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had met on December 9, 2004 and considered and approved a request for a Final Map Certificate of Correction and a request for a Conditional Use Permit renewal for an existing wireless communications facility at the Town Hall Little League Fields at Purissima Road. The Commission had also reviewed a proposal from the Emergency Communications Committee for an emergency antenna tower at Town Hall. Cahill noted that staff had not received any public comment prior to the Public Hearing, however, at the meeting several residents expressed their concern with the antenna. The Commission continued the item to a future meeting to permit the Emergency Communication Committee and the residents time to resolve the issues with the proposal.

Mayor Pro Tem Kerr requested clarification on the process that was being initiated to resolve the concerns of the neighboring residents. He noted that he had received several emails regarding the proposed antenna.

Cahill explained that the Emergency Communications Committee and residents would meet in an informal setting, similar to a work-study session to discuss the areas of concern. He noted that the Public Hearing would be noticed and the Planning Commission would have the final approval.

Cahill added that he had prepared a spreadsheet of Planning and Building Department Active Projects List for the Council. It was available for Councilmembers in their boxes on the dais. He reviewed the list with Council and noted that the number of projects was proceeding at a traditionally normal activity pace. In the past two months, the Department had received five (5) applications for new residences, numerous additions, and miscellaneous projects. Cahill noted that in addition to the planning projects, the Department is working on a variety of items including: the implementation plan for the Town's 2002 Housing Element; the Pathways Map Environmental Review and continuing the assessment of projects that were in the active stage in the Building Department. Cahill noted that he believed there was a robust development picture in the Town and staff was staying busy with all the projects. He reported that a new Assistant Planner had been hired and is presently being versed on the Town's codes, policies and procedures.

Mayor Pro Tem Kerr requested information on project item #36, the proposed wireless communication tower at Town Hall. Cahill explained that the proposal would be reviewed by the Planning Commission at their January meeting. The project calls for an antenna to be in the form of a functioning flag pole. Kerr asked if it would be possible

for the neighbors to be advised of the project. Cahill suggested that Cingular Wireless could meet with the neighbors and discuss the project prior to the Public Hearings.

Councilmember Jones requested information on the average timing of a Fast Track application and if the staffing level in the Planning Department was adequate to meet the needs of the number of projects. Cahill reported that he believed the Department was working at a good efficiency rate and was appropriately staffed to meet the needs of the residents. He explained that Fast Track applications, on average, took three to four months to process and be approved.

#### 4. CONSENT CALENDAR

Items Removed: 4.3 (Kerr) and 4.4 (O'Malley)

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and passed unanimously to approve the remainder of the Consent Calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting December 2, 2004
- 4.2 Review of Disbursements: 11/20/2004 – 12/6/2004 \$173,541.62
- 4.5 Approval of Contractor Change Orders for New Town Hall Project – Resolution # 85-04
- 4.6 Approval of Extra Work Authorization #2 from Duxbury Architects for the New Town Hall Project Resolution #86-04
- 4.7 Approval of Additional Fees for Public Education Survey
- 4.8 Resolution Approving Joint Purchase of New Town Hall Furniture through Local Agency Competitive Procurement Resolution #87-04

Items Removed:

- 4.3 Approval of Final Map, Malek Subdivision, Buena Vista Drive Resolution #83-04

Mayor Pro Tem Kerr requested clarification on what was being done on the site. Acting City Engineer Dave Ross explained that the subdivision improvements including street work, paving, drainage and undergrounding were being built to meet the Final Map requirements. Ross noted the road had been dedicated as a private street on the Tract Map.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to adopt Resolution No. 83-04 approving the Final Subdivision Map, Lands of Malek.

4.4 Proposed Application and Resolution for Bay Area Air Quality Management District Transportation Funds for Clean Air (TFCA) Solid Waste Collection –Vehicles-Los Altos Garbage Company – Resolution #84-04

Mayor O'Malley explained that Los Altos Garbage Company General Manager John Zirelli was present to answer any questions that Councilmembers would like to entertain regarding this item. O'Malley explained that the Town was acting as a conduit to process the grant application for LAGCo.

City Manager Cassingham concurred and explained that only public agencies were permitted to apply for the funding. The request was for a grant of \$42,000 to retrofit four vehicles that were used by Los Altos Garbage Company to collect refuse within the Town limits. This modification would result in lower emissions. Cassingham noted that there would be some minimal administrative costs to the Town that would be recovered from the application.

John Zirelli, General Manager-Los Altos Garbage Company, addressed Council. He thanked them for their assistance with the application for funding from the Bay Area Air Quality Management District Funds for Clean Air Solid Waste Collection Vehicles. Zirelli explained that the proposal was for catalytic converters for the trucks that would help to reduce NOx emissions.

Mayor Pro Tem Kerr questioned if there was any way for the company to reduce their transportation fuel consumption to assist him in meeting his Green Initiative Goals for the Town.

City Attorney Mattas explained that it would be appropriate for the Council to revisit Mayor Pro Tem Kerr's question with Mr. Zirelli under the Green Initiative Goals at a future meeting. Council concurred and directed staff to agendize the item for a future meeting within the next two to four weeks to discuss the issue of fuel consumption with LAGCo.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Jones and passed unanimously to adopt Resolution No. 84-04 authorizing the submittal of an application to the Bay Area Air Quality Management District for funds to reduce emissions from solid waste collection vehicles and authorizing the implementation of same, if the application is approved by the Bay Area Air Quality Management District. Staff was also directed to agendize at a future meeting discussion of fuel consumption reduction of Los Altos Garbage Company waste collection vehicles that are used in the Town.

**5. UNFINISHED BUSINESS**

**5.1 Town Goals**

**5.1.1 Complete Town Hall On Time and On Budget**

#### 5.1.1a TBI Update

Tony Vierra, TBI Construction Management, provided Council with a status report on the new Town Hall project. He reported that the roof sheathing was almost complete and work was scheduled to begin on the interior; the PG&E utilities design was complete; the phone and cable design plan was expected in the near future; the landscape design had been reviewed by the New Town Hall Committee at their last meeting and the final design should be ready for the Committee's review at their January meeting and furniture measurements would be taken as soon as the interior walls were framed. He expected the Solar System plans to be approved by plan check in the immediate future. Vierra added that he would be scheduling site visits for Councilmembers, New Town Hall Committee Members, and staff. Vierra noted that the revised target for completion of the project was March 28, 2005.

Mayor Pro Tem Kerr reported that the final design meeting on the solar system had been held prior to the Council meeting and the project looked good. He acknowledged that the Audio-Visual Subcommittee had been investigating different audio and broadcast systems for Council Chambers. Kerr noted that Landscape Architect Tom Klope had been directed by the New Town Hall Committee to include water consumption numbers and design alternatives for the Town Hall landscape design that would be presented at the next Committee meeting.

Mayor O'Malley commended everyone for their efforts to hold the Town Hall project budget in check.

Councilmember Jones applauded the efforts of the Committee and Landscape Architect Tom Klope to work to design a landscape plan that embraced water conservation and would be a model for Town residents.

#### OPENED PUBLIC COMMENT

Sandy Humphries, Environmental Design and Protection Committee, reported that the Standing Committee had met with Landscape Architect Tom Klope and offered suggestions for "low and no water" landscaping for Town Hall. The Environmental Design and Protection Committee's goal is to make the Town Hall landscaping distinctive.

#### CLOSED PUBLIC COMMENT

#### 5.1.2 Identify and Fund Underground Project

##### 5.1.2a Consideration of Engineering Consultant Services for the Purissima Road and Altamont Road Utility Rule 20A Undergrounding Projects (continued from 12/2/04)

Councilmember Warshawsky introduced this item. He explained that the proposal before Council from Mark Thomas & Company had been reviewed by the Undergrounding Subcommittee and they were confident that the final iteration of the proposal was ready

for Council approval and would give Mark Thomas the direction to do what is necessary to complete the pilot project and collect the reimbursement of the 20A funds.

Acting City Engineer Dave Ross noted that the agreement calls for him to maintain a continual dialogue with PG&E during the project. Ross added that previous experience with similar projects had shown that this was a key element in successful completion of a project.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Jones and passed unanimously to approve Resolution No. 88-04 authorizing Mark Thomas & Company, Inc. to provide engineering consulting services for the Purissima Road and Altamont Road Rule 20A Utility Undergrounding Project.

### 5.1.3 Complete Master Pathway Map

Councilmember Warshawsky reported on the status of the Pathways Map. The Pathways Committee had met on December 6, 2004 to take public input and to finalize the last quadrant of the map. Warshawsky, Councilmember Mordo and Pathways Committee Chair Chris Vargas plan to meet in early January to discuss the final scheduling of the map reviews and the goal is to complete the map update in March 2005.

### OPENED PUBLIC COMMENT

Dot Schreiner, Saddle Mountain Drive, reminded Council that the map being discussed was a conceptual map. She suggested that it would not be a complete map without including the desired on road paths and private road paths. Schreiner explained that adding this information would not require numerous hearings but would be more of a clerical task. The Pathway Element of the Town's General Plan would be the source material for the additional paths.

Mayor O'Malley expressed his opinion that it could possibly be a more time consuming task that Schreiner believed and suggested it would be appropriate to complete the work in progress and keep the task manageable.

### CLOSED PUBLIC COMMENT

#### 5.2 Estimate of Attorney's Fees and Staff Charges for Site Development Permit for 106-Foot Amateur Radio Antenna and Support Structure; Lands of Abraham; 13193 Viscaino Road; File #177-04-ZP-SD

Planning Director Cahill reported that the Town had received a request from the applicant to continue the item to the next meeting. Council concurred.

## 6. NEW BUSINESS

### 6.1 Presentation of Town Geologic Hazards Map-Cotton, Shires and Associates

Acting City Engineer Dave Ross introduced this item to Council. He explained that the firm of Cotton, Shires and Associates had served as the Town's Geologists for

approximately thirty years and were present to make a presentation of the new Town Geologic Hazards Map that would replace the 1978 Geotechnical Map that was currently being used by staff for project reviews. Ross added that the map revision project had been funded by fees collected by the Building Department and the map update was a requirement of the State as an adjunct to the Los Altos Hills General Plan's Safety Element.

Ted Sayres, Cotton, Shires and Associates, addressed Council. He explained that the new map replaces the 1978 Geotechnical Hazards Map and included a large number of changes and additions to the fault trace alignments based on completed site-specific fault investigations completed since 1978. Sayres added that the 1978 map was not very user friendly. The new map is in digital format, could be imported into AutoCAD and GIS and had the capability of being added to the Town's website as a reference for residents. Sayres presented a brief PowerPoint presentation that illustrated the differences between the 1978 Map and the updated Hazards Map and updated Hazards Zones. He noted that the map included all known information on the faults throughout the Town. Sayres presentation included slides of damage that had occurred to residential property and Town infrastructure during the Loma Prieta Quake; earthquake fault evidence that had been exposed during residential building projects; earth flow and debris flow activity west of Interstate 280; and landslides. Sayres concluded his presentation by summarizing the geotechnical hazards and constraints that exist in Town that had been identified by a peer review process during subdivision and residential building reviews. They included Debris Flows (Chaparral Way, Quarry Hills Estates, Moody Road, Olive Tree Lane), Deep Landsliding (Natomia Road, Arastradero Road, La Paloma Road, Edgerton Road), Active Faults (Magdalenda Road, Prospect Avenue, Altamont Road, Taaffee Road) and Expansive Soil Damage (La Loma Drive, Burke Road, Anacapa Drive, Beaver Lane).

Council thanked Mr. Sayres for his presentation.

## 6.2 Proposed TeleMinder Automated Emergency Alerting System

City Manager Maureen Cassingham introduced this item. Council had before them a request from staff for Council consideration of a one-year pilot project to evaluate the Town's participation in the City of Los Altos TeleMinder Automated Emergency Alerting System at a cost not to exceed \$5,000. Cassingham explained that the TeleMinder System was acquired by the City of Los Altos as a Beta on a grant basis. The Town's cost would include its share of maintenance and software costs, training expenditures and the installation of additional phone lines. The purpose of TeleMinder is to provide a telephone notification system to alert residents within a designated geographic area that might be exposed to an emergency. The City of Los Altos had activated the program to alert residents to a mountain lion sighting, a gas leak and an attempted rape. Cassingham added that only authorized trained staff with the use of a password would be able to activate the system and create the message that would be sent to residents in the identified geographic area.

Councilmember Jones requested clarification on how the system would be coordinated with the Sheriff's Department. Cassingham explained that the Town proposes to develop a protocol for the Department's use of TeleMinder during non-business hours that would be accessed through a password and most likely coordinated by Chief Hirawaka.

Mayor O'Malley noted that Owen Halliday, Los Altos Hills County Fire District Board President, had contacted him and expressed interest in potentially using the system for emergency notification of Town residents of fires. Mayor O'Malley questioned if there would be any unforeseen reason or additional costs in the future if the Town chose to acquire their own system. Cassingham responded that she believed the Town would most likely always be a co-participant in the program with the City of Los Altos at a pro rated cost and the future cost should remain in this range.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Kerr and passed unanimously to approve a one-year "Pilot Project" to evaluate the Town's participation in the City of Los Altos TeleMinder Automated Emergency Alerting System at a cost not to exceed \$5,000.

6.3 An Agreement in Concept between the Town of Los Altos Hills, City of Los Altos and the Santa Clara Valley Water District for Noise Mitigation North of the West Edith Avenue Bridge as Part of the Adobe Creek Reach 5 Restoration Project

Acting City Engineer Dave Ross introduced this item to Council. Ross explained that one of the property owners next to the Adobe Reach 5 project had requested noise mitigation work be performed along their property before they donate the permitted easement that is needed for the project. Council had before them a request for approval of an agreement in concept between the Town of Los Altos Hills, City of Los Altos, and Santa Clara Valley Water District that would equally fund the noise mitigation work. The Town's share of the proposed work would not exceed \$10,000 and would be conditioned on the resident donating the easement. Ross noted that this was substantially less than the value of the donated easement.

**OPENED PUBLIC COMMENT**

Jitze Couperus, Adobe Creek Collaborative, provided the Council with a brief history of the Adobe Creek Reach 5 project. He explained that most of the difficult easements had been acquired but Santa Clara Valley Water District would not move forward on the project without this easement. Couperus noted that the costs for the noise mitigation would be divided amongst the three agencies that built Edith Bridge. He added that there had been an informal agreement between the agencies that the noise pollution problems created by the Bridge would be addressed in the future. The agreement was never put into writing and now the homeowner is seeking to have the problem rectified. Couperus added that the cost is minimal in comparison to the overall cost of the creek restoration project.

**CLOSED PUBLIC COMMENT**

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Warshawsky and passed unanimously to approve in concept an agreement between the Town of Los Altos Hills, City of Los Altos and Santa Clara Valley Water District to equally fund noise mitigation work as part of the Adobe Creek Reach 5 Restoration Project.



7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Jones reported that he had attended the Santa Clara County Cities Association Holiday Party which had been an opportunity for him to meet fellow representatives and review the upcoming agenda. He was looking forward to serving as the Town's representative to the Association.

Councilmember Jones announced that he and Councilmember Mordo would be attending the League of California Cities Conference in January for Elected Officials. He was looking forward to the Conference sessions that included Brown Act orientation; best practices discussions and a variety of other sessions on key issues with local governments and elected officials. He hoped attendance at the Conference would become a tradition with the Town for all newly elected Councilmembers.

Mayor Pro Tem Kerr reported that he had been discussing the situation at Foothill College and El Monte with various committees at the VTA. Council would be reviewing the issue as agenda item 9.1.

Councilmember Mordo reported that he had attended the Library JPA Board meeting and the Board had voted to hold a Special Election in May for a new parcel tax to replace the parcel tax that will expire. The cost of the Special Election would be approximately \$2 million dollars. Mordo explained that if the new parcel tax were not passed before August 2005, Santa Clara County Libraries would lose \$5.4 million in funding. Mordo added that, if approved, the parcel tax would barely recover lost library services.

Councilmember Mordo reported on the final disposition of the Whipple Estate. It had been determined that the Friends of Los Altos Library would receive \$1.6 million and the remaining funds in the estate would go to the Santa Clara County Library to be maintained in a special account to be used exclusively for the Los Altos Library. These funds are not meant to replace the normal allocations.

Mayor O'Malley reported that he had met with the City Manager and City Engineer to discuss sewer issues. O'Malley will now schedule a meeting with the City of Los Altos for further discussions on the subject.

8. STAFF REPORTS

8.1 City Manager

8.1.1 Acquisition/Use of AED's

City Manager Cassingham reported that Town staff and interested citizens had participated in CPR training, a prerequisite for the additional training they received for use of the Automated External Defibrillator (AED)'s recently purchased by the Town. Cassingham noted that the units would be available in the multi-purpose meeting room and administrative office. She displayed one of the AED's and explained that they were very easy to use with easy to follow picture instructions.

Cassingham reported that, on behalf of the Town, she had attended the initial meeting of the Countywide Task Force for the Elimination of Homelessness in Santa Clara County meeting. The group had scheduled five to six more meetings over the course of the next several months to develop a proposed ten-year plan to eradicate Homelessness in the County. The meeting was well attended and participants included elected local officials, representatives from County agencies, staff from local cities, and Congressperson Zoe Lofgren.

## 8.2 City Attorney

## 8.3 City Clerk

### 8.3.1 Report on Council Correspondence

The City Clerk explained that due to a copier malfunction, Council Correspondence had not been provided in the Council agenda packet. Copies of the Correspondence were available in the Councilmembers boxes on the dais.

## 9. COUNCIL-INITIATED ITEMS

### 9.1 Pathways Safety issue at Foothill College-El Monte Corridor-Mayor Pro Tem Kerr

Councilmember Kerr explained that he had requested this item be agendaized for discussion. He noted that Pathways Committee members had brought to his attention that the Pathway at Foothill College had been disturbed when the College reconfigured their parking lot. In addition to the pathway, Kerr believed there were a number of additional safety issues in the Foothill College-El Monte Corridor that needed to be addressed. He suggested that a master plan for the area be developed that related to pedestrian, bike and equestrian safety issues. Kerr explained that the College had assigned a staff person to work with the Town on the issues and he had spoken to the VTA and they had expressed a willingness to support the Town's efforts to use the funding in the Hills that had been slated for a project for the City of Los Altos that the City had decided not to move forward on as it falls within the policy of regional equity funding. Kerr suggested that in light of the described factors, he believed it would be appropriate for the Town to move forward with the development of a master plan and policy for safety issues in the corridor.

Acting City Engineer Ross reported that he believed the master plan could be done in-house and explained that preliminary work had been started on the study when the Town submitted its grant request to the VTA for improvements in the area last year. He was submitting recently acquired information relating to accidents in this area to Cal-Trans and the VTA and believed that funds for a traffic study might be available. This would be the first step to a master plan. Ross added that he had met with the representative from Foothill College today and they have excellent, up to date maps of the corridor and have offered electronic copies of the maps to the Town.

Mayor Pro Tem Kerr recommended that Council consider directing staff to move forward with the Master Plan as the initial step to securing funding for safety improvements in the corridor.

Council concurred.

City Manager Cassingham offered that staff was currently moving forward with study.

#### 10. PRESENTATIONS FROM THE FLOOR

Cyrous Gheyri, Elena Road, requested additional time for his oral presentation to Council regarding his two parcels at 27400 and 27360 Elena Road. The Mayor agreed to his request. Gheryi distributed to Council two letters that he had written. He reviewed his building project with Council and sited his concerns for safety with existing soil and drainage problems that he attributed to work done by the Town. Gheryi offered that he could not sell his land with the existing conditions. He added that Town staff has refused to meet with him.

Mayor O'Malley explained that the Town staff had assured the Council that every effort had been made to work with Gheryi to expedite his permits and assist him to final his project. O'Malley offered that the Town had done everything that it could reasonably do to assist Gheryi and suggested that he move forward with what ever action he deemed appropriate.

Rodney Robinson, Via Arline, expressed his interest in revitalizing the soccer playing fields at the Bullis School site. He offered his services to lead the effort.

Council requested that this item be agendized for further discussion at the January 6, 2005 City Council meeting and invited Mr. Robinson to attend to further discuss his proposal.

Maury Johnson, Purissima Hills Water District Director, informed the Council that the District had recently signed the lease agreements between the Town and the District for their facilities site and the antenna. He added that the District was preparing their architectural plans for their new facilities and they will be forwarded to the Planning Commission for their review in approximately a month.

Mayor Pro Tem Kerr asked Johnson if the District would be willing to work with the Town to activate their test water well for landscaping purposes. Johnson commented that he would advise the Directors of the Town's interest in pursuing cooperative use of the well.

#### 11. PUBLIC HEARINGS

None

#### 12. ADJOURNMENT

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to adjourn the December 16, 2004 Regular City Council Meeting at 8:05 p.m.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the December 16, 2004 Regular City Council Meeting were approved as presented at the January 6, 2005 Regular City Council Meeting.